



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT

P50543

TO: Honorable Denny Chin
U.S. District Judge

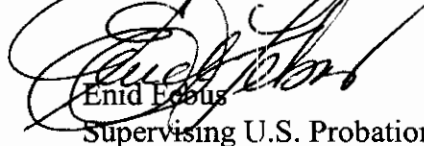
FROM: Enid Febus
Supervising U.S. Probation Officer

MEMO ENDORSED

Re: Warren, Leonard
Docket No.: 07-CR-641(DC)

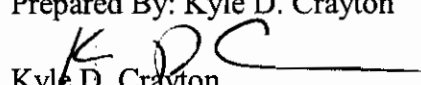
Enclosed is a matter from the U.S. Probation Office requesting consideration and/or review by Your Honor. Please direct your response (if applicable) along with any attachments to our office at 500 Pearl Street, 7th floor, so that we may take appropriate action.

Respectfully submitted,



Enid Febus
Supervising U.S. Probation Officer

Prepared By: Kyle D. Crayton


Kyle D. Crayton
Senior U.S. Probation Officer
212-805-5154

DATE: September 4, 2007

Returned to chambers for scanning on 9.12.07
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

**Report on Offender Under Supervision
and/or
Petition for Warrant or Summons**

Name of Offender: Warren, Leonard

Docket Number: 07-CR-641(DC)

Name of Sentencing Judicial Officer: **Assigned Honorable Denny Chin, U.S. District Judge**
(Originally sentenced in the District of New Hampshire, by
the Honorable Joseph A. DiClerico Jr, U.S. District Judge)

Date of Original Sentence: March 25, 2007

Original Offense: Possession of Marijuana, (21 USC 844). A Misdemeanor.

Original Sentence: Time Served, followed by One (1) year supervised release. Special Conditions:
drug aftercare and search condition.

Type of Supervision: Supervised Release Date Supervision Commenced: March 15, 2007

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Non-compliance</u>
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- | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | ON OR BEFORE APRIL 5, APRIL 10, JUNE 5, JUNE 22, AND JULY 17, 2007, THE DEFENDANT USED A CONTROLLED SUBSTANCE, TO WIT, MARIJUANA (MANDATED CONDITION- MANDATORY REVOCATION). GRADE C VIOLATION. |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Title 18 U.S.C. 3565(b) and 3583 (b) have been amended by way of Public Law 107-273, Section 2103. Effective November 2, 2002, testing positive for illegal substances more than 3 times over the course of one year requires mandatory revocation of the supervision term. The amendment leaves undisturbed the provisions of 18 U.S.C. 3563(e) and 3583 (d) that allow the court to consider "whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with the United States Sentencing Commission guidelines from the rule of sections 3565 (b) and 3583 (g) when considering any action against a defendant who fails a drug test." This appears to allow the court to consider treatment in lieu of revocation after the fourth positive drug test.

U.S. PROBATION OFFICER ACTION

As a result of the above, Warren was referred for outpatient treatment at Daytop Village Inc., an agency contracted by this office to provide substance abuse counseling. He reports sporadically to treatment, and has failed to keep several appointment with the undersigned. He is unemployed, but claims to be seeking employment. During an office visit on August 17, 2007, he admitted to smoking marijuana a few days before the visit. He claims that he understands the seriousness of his actions and is prepared to make some immediate changes. Warren was informed that the Court would be informed of his non compliance.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Warren was residing at the case address with his mother, however, on August 20, 2007, he informed that he can no longer reside there and may be entering the shelter system. The releasee is twenty three (23) years old, and is at a critical point in his life. We feel that immediate intervention is necessary at this time. Given the multitude of his problems, we will afford Warren approximately ninety (90) days to try to get his life back on track. We will continue to monitor drug use, and compliance with treatment. We will assist the releasee with obtaining employment and a stable residence. If drug use continues, and he has not established a stable residence, he will be referred to residential substance abuse treatment, which will address most of his needs.

We are recommending that no action be taken at this time, in an effort to afford Warren with appropriate substance abuse treatment, and until it is evident that we have no other recourse. We will continue to monitor his progress and notify the Court immediately if further action needs to be taken.

Should the court concur with our recommendation, this memorandum will be disclosed to the defendant, defense counsel and prosecutor, unless Your Honor directs otherwise.

Respectfully submitted,

by



Kyle D. Crayton
Sr. U.S. Probation Officer
(212) 805-5154

Approved By:



Eric Febus

Date

9/5/07

Supervising U.S. Probation Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response

☒ Court approves U.S. Probation Officer's recommendation

or

THE COURT ORDERS:

☐ The Issuance of a Summons

The Offender is directed to appear as follows:

Date:

Time:

Place:

☐ The Issuance of a Warrant

☐ Submit a Request for Modifying the Condition or Term of Supervision

☐ Other




Signature of Judicial Officer

9/6/07
Date